

New legislation will force DHS and locals to work together

[The Washington Times](#)

March 3, 2011

On Aug. 1, 2010, a drunken driver named Carlos Montano purportedly crashed into a car carrying three nuns in Prince William County, Va., killing one and severely injuring the other two. This was not his first brush with the law - he had been arrested twice on drunken-driving charges before this fatal crash.

On June 27, 2010, authorities said David Luna Sanchez stabbed Eduardo Herrera in the leg and heart, then left him to die in his girlfriend's arms. Like Mr. Montano, this was not his first arrest; in fact, it was not even the first time he attacked Mr. Herrera - in 2008, Mr. Sanchez was arrested with two accomplices in an attack on Mr. Herrera with a bat.

On Feb. 10, 2011, Jose Oswaldo Reyes Alfaro brutally attacked six people in a Manassas, Va., neighborhood, police said, killing three and severely injuring three others. He, too, had a history of run-ins with the law - in 2004, he was found guilty of misdemeanor assault and battery.

Besides being repeat offenders, what did these three criminals have in common? All were in this country illegally. All were eligible for deportation due to their prior offenses. And all were ignored by the Department of Homeland Security (DHS) and allowed to stay in this country to escalate their criminal activities. As a result, five people died tragically at their hands.

While those who support amnesty and those who support the rule of law may never agree on how to reform our broken immigration system, there is one area where I believe members on both sides of the aisle in Washington can and must agree: When someone who is here illegally is convicted of a crime, he should not be released back into American communities. Criminal aliens - that is, illegal immigrants who have been convicted of a crime - should be removed from

the United States upon release from incarceration.

Unfortunately, criminal aliens all too often are released from prison and go right back onto America's streets, where they re-enter a life of crime.

According to a report released in February by the DHS inspector general, Immigration and Customs Enforcement (ICE) failed to identify 890 criminal aliens in 2009 who were eligible for deportation in Texas and California alone. The report noted that many of these criminals were convicted of Level 1 recidivist crimes, including homicide, kidnapping, sexual assault, robbery and aggravated assault. And after their terms ended, these criminal aliens - here illegally in the first place - were released back into American society.

That is unacceptable. If you come here illegally and commit a crime, you should serve your sentence and then go back to your home country. You cannot stay here and continue to commit crimes against our citizens. We have seen too many tragic incidents where Americans have lost their lives in crimes committed by illegal immigrants who already have been through the justice system.

Although criminal aliens are eligible for deportation, ICE often fails to identify and transfer them before they are released. Under current law, if ICE is not present to transfer criminal aliens when their sentences end, officials must release them back onto the streets.

That is why today I will introduce the Criminal Alien Removal Act in the House of Representatives. My bill would require DHS to ensure that criminal aliens are removed from the United States upon release from incarceration. The bill would allow prison officials to hold criminal aliens after their sentences end to make sure they can be transferred into federal custody and removed from the United States.

We cannot continue to allow criminal aliens to slip through the cracks. Passing the Criminal Alien Removal Act and requiring the Department of Homeland Security to deport criminals who are here illegally will send a clear message that we are serious about securing our borders and protecting American citizens.

Rep. Tom Rooney is a Republican member of the U.S. House of Representatives from Florida.